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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 May 2008*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-35* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-35* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 May

2008 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-35 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 27-31, 33, and 34 are rejected under 35 U.S.C. 102(e) as being

anticipated by Cheok (US 6934906).

        Claim 27: Cheok discloses a system that produces a combined video signal

for use as video programming to at least one viewer, said system comprising:

        a processor (210 [Fig 2]);

        a memory, said memory coupled to said processor (220 [Fig 2]);

        a tuner/decoder (network interface 250 [Fig 2]) that receives a first video

signal and a second video signal substantially simultaneously (first and second

MPEG information from the same stream [col. 8, l. 54 – col. 9, l. 2]) and that

routes control information contained in said first video signal to said processor

[col. 5, l. 5-9] and that routes first video data from said first video signal and

second video data from said second video signal to a video decoder (to a BIFS

scene decoder [col. 8, l. 54 – col. 9, l. 11]);

        said video decoder that decodes said first video data and produces a first

video image in said memory and that decodes said second video data and

produces a second video image in said memory, said first video image and said

second video image not intended to be displayed independently (BIFS decoder

decodes information for composing an integrated scene [col. 9, l. 1-10]);

        a presentation description stored in said memory, said presentation

description comprising a set of instructions that define the manner in which a

portion of said first video image is combined with a portion of said second video

image to produce said combined video signal (scene description information 225

and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38]), the manner in which

the images are combined being selected from at least one of a plurality of

manners of combinations [col. 3, l. 61-66] [col. 5, l. 56-67], and the presentation

description instructions also defining a sequence of operations performed over

time (e.g. moving objects [col. 3, l. 61-67]);

program code operating in said processor that employs said presentation

description and that accesses said portion of said first video image and said

portion of said second video image in said memory and that combines said first

portion of said first video image and said portion of said second video image in

the manner specified by said presentation description to create said combined

video signal (instructions 221 and 222 [Fig 2] for composing the scene [col. 9, l.

7-9]); and

a video output unit that outputs said combined video signal to a display device

as a part said video programming to said at least one viewer (using display

device 230 [Fig 2]).

Claim 28: Cheok discloses the system as set forth in claim 27, said system

further comprising:

a network interface that accesses a remote server to obtain said presentation

description (250 [Fig 2], for downloading scene description [col. 3, l. 3-6]).

Claim 29: Cheok discloses the system as set forth in claim 27 wherein said

decoder further produces first audio data in said memory from said first video

information and produces second audio data in said memory from said second

video information (first and second media objects may be audio objects [col. 10,

l. 27-30]).

Claim 30: Cheok discloses the system as set forth in claim 29 wherein said

presentation description further specifies the manner in which said first audio

data is combined with said second audio data (scene description information 225

and integration instructions 222 specify how media objects are combined [col. 4,

l. 56 – col. 5, l. 38]).

Claim 31: Cheok discloses the system as set forth in claim 27, said system

further comprising:

a user interface that receives an input from said at least one viewer that

modifies said presentation description [col. 3, l. 44-67].

Claim 33: Cheok discloses the system as set forth in claim 27 wherein said

program code operating in said processor further comprises:

a software routine that controls said decoder to perform at least part of the

combination of said portion of said first video image and said portion of said

second video image in a manner specified by said presentation description

(decoder/integration instructions 221 and 222 [Fig 2]).

Claim 34: Cheok discloses the system as set forth in claim 27 wherein said

program code operating in said processor further comprises:

a software routine that selects said presentation from a plurality of

presentation descriptions contained in said first video signal [col. 3, l. 44-67].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-26, 32, and 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cheok (US 6934906) in view of Hendricks (US 5990927).

Claim 1: Cheok discloses a method of producing a video signal […] for

outputting video programming to at least one viewer, said method comprising:

receiving a first video signal at said set top box (401 [Fig 4]);

processing said first video signal to produce a first image stored in memory of

said set top box (402 [Fig 4], information may be an image [col. 3, l. 56]), said

first image not intended to be displayed independently (object is combined into a

scene 405 [Fig 4]);

receiving a second video signal at said set top box (403 [Fig 4]);

processing said second video signal to produce a second image stored in

said memory of said set top box, said second image not intended to be displayed

independently (404 [Fig 4]);

accessing a presentation description comprising a set of instructions that

define a portion of said first image and that defines the manner in which said

portion of said first image and a portion of said second image are combined

(scene description information 225 and integration instructions 222 [col. 4, l. 56 –

col. 5, l. 38] for creating scene 250 [Fig 2]), the manner in which the images are

combined being selected from at least one of a plurality of manners of

combinations [col. 3, l. 61-66] [col. 5, l. 56-67], and the presentation description

instructions also defining a sequence of operations performed over time (e.g.

moving objects [col. 3, l. 61-67]);

combining said portion of said first image with said portion of second image in

accordance with said presentation description to produce a combined image

(scene 250 [Fig 2]); and

outputting displaying said combined image as said video signal as part of said

video programming to said at least one viewer (scene 250 on display device [Fig

2]).

Cheok further discloses that the video may be output to a television [col. 2, l. 1], but does not specifically disclose that the device is a set top box.

Hendricks discloses a set top box that combines video signal elements into a combined scene according to a presentation description [col 11].

It would have been obvious to have implemented Cheok's scene composition method in a set-top box as disclosed by Hendricks for the purpose of outputting to a television that is connected to a set top box instead of a personal computer, thus increasing the number of potential users of the method.

Claim 2: Cheok discloses the method as set forth in claim 1 wherein said step of combining further comprises:

applying a mask that defines said portion of said first image (overlaying applications on images [col. 8, l. 35-43], also scene 556 [Fig 5]).

Claims 3 and 4 are rejected over Cheok's logical/mathematical combination of the decoded av media objects 541 into a composite scene 556 [Fig 5].

Claim 5: Cheok discloses the method as set forth in claim 1 wherein said step of combining said video signals further comprises:

scaling said portion of said first image (media objects' size can be adjusted [col. 3, l. 5-10]).

Claim 6 is rejected in view of the claim 5 rejection construing "scaling" as a

type of "warping".

Claim 7: Cheok discloses the method as set forth in claim 1 wherein said step

of accessing said presentation description further comprises:

fetching accessing said presentation description across a network [col. 5, l.

38-50].

Claim 8: Cheok discloses the method as set forth in [[of]] claim 1 wherein said

step of accessing said presentation description further comprises:

receiving a network address at which said presentation description can be

accessed (downloading from a network [col. 3, l. 3-6] implies receiving an

address);

fetching said presentation description from said network address [col. 3, l. 3-

6].

Claim 9: Cheok discloses the method as set forth in claim 1 wherein said step

of accessing said presentation description further comprises:

selecting said presentation description from a plurality of presentation

descriptions contained in said first video signal (different information is shown

depending on context [col. 3, l. 43-67]).

Claim 10: Cheok discloses the method as set forth in [[of]] claim 1, said

method further comprising:

modifying said presentation description in response to input from said at least

one viewer [col. 3, l. 43-67].

Claim 11: Cheok discloses the method as set forth in claim 1, said method

further comprising:

processing said first video signal to produce first audio data stored in said

memory of said set top box (media objects may be audio objects [col. 10, l. 27-

30]);

processing said second video signal to produce second audio data stored in

said memory of said set top box [col. 10, l. 27-30];

accessing said presentation description that describes the manner in which

said first audio data and said second audio data are combined (scene description

information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38]); and

combining said first audio data and said second audio data in accordance

with said presentation description (combining to form composite audiovisual

scene 550 [Fig 5]).

Claim 12: Cheok discloses a method of producing a sequence of combined

images [...] used for outputting video programming to said at least one viewer,

said method comprising:

receiving a first video signal at said set top box (401 [Fig 4]);

processing said first video signal to produce a first sequence of images stored

in memory of said set top box (402 [Fig 4], information may be an image [col. 3, l.

56]), said first sequence of images not intended to be displayed independently

(object is combined into a scene 405 [Fig 4]);

receiving a second video signal at said set top box (403 [Fig 4]);

processing said second video signal to produce a second sequence of

images stored in said memory of said set top box, said second sequence of

images not intended to be displayed independently (404 [Fig 4]);

accessing a presentation description comprising a set of instructions that

define a portion of said first sequence of images and that defines the manner in

which said portion of said first sequence of images and a portion of said second

sequence of images are combined (scene description information 225 and

integration instructions 222 [col. 4, l. 56 – col. 5, l. 38] for creating scene 250 [Fig

2]), the manner in which the sequences of images are combined being selected

from at least one of a plurality of manners of combinations [col. 3, l. 61-66] [col.

5, l. 56-67], and the presentation description instructions also defining a

sequence of operations performed over time (e.g. moving objects [col. 3, l. 61-

67]);

combining said portion of said first sequence of images with said portion of

said second sequence of images in accordance with said presentation

description to produce a finalized sequence of combined images (scene 250 [Fig 2]); and

outputting said finalized sequence of combined images as a part of said video programming to said at least one viewer (scene 250 on display device [Fig 2]).

Cheok further discloses that the video may be output to a television [col. 2, l. 1], but does not specifically disclose that the device is a set top box.

Hendricks discloses a set top box that combines video signal elements into a combined scene according to a presentation description [col 11].

It would have been obvious to have implemented Cheok's scene composition method in a set-top box as disclosed by Hendricks for the purpose of outputting to a television that is connected to a set top box instead of a personal computer, thus increasing the number of potential users of the method.

Claim 13: Cheok discloses the method as set forth in claim 12 wherein said step of combining further comprises:

applying a mask specified in said presentation description that defines said portion of said first sequence of images (overlaying applications on images [col. 8, l. 35-43], also scene 556 [Fig 5]).

Claim 14: Cheok discloses the method as set forth in claim 13 wherein said step of applying a mask further comprises:

executing program code that modifies said mask to select a different portion

of at least one image of said first sequence of images (modifying the scene [col.

3, l. 44-67]).

Claims 15 -19 are rejected as indicated in the rejections of claims 3-6 and 10,

respectively.

Claim 20: Cheok discloses a method of controlling generation of a combined

video signal for use as video programming to at least one viewer […] at said at

least one viewer's premises […], said method comprising:

transmitting a first digital video signal to said set top box, said first digital

video signal comprising a first image not intended to be displayed independently

(401 [Fig 4]);

transmitting a second digital video signal to said set top box substantially

simultaneously with said first digital video signal, said second digital video signal

comprising a second image not intended to be displayed independently (403 [Fig

4]);

loading image combination code into said set top box (scene description

information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38]); and

providing a presentation description to said set top box, said presentation

description comprising a set of instructions that define the manner in which a

portion of said first image contained in said first digital video signal is combined

with a portion of said second image contained in said second digital video signal

to produce said combined video signal for use as video programming to at least

one viewer (scene description information 225 and integration instructions 222

[col. 4, l. 56 – col. 5, l. 38]) the manner in which the images are combined being

selected from at least one of a plurality of manners of combinations [col. 3, l. 61-

66] [col. 5, l. 56-67], and the presentation description instructions also defining a

sequence of operations performed over time (e.g. moving objects [col. 3, l. 61-

67]).

Cheok further discloses that the video may be output to a television [col. 2, l.

1], but does not specifically disclose that the device is a set top box.

Hendricks discloses a set top box that combines video signal elements into a

combined scene according to a presentation description [col 11].

It would have been obvious to have implemented Cheok's scene composition

method in a set-top box as disclosed by Hendricks for the purpose of outputting

to a television that is connected to a set top box instead of a personal computer,

thus increasing the number of potential users of the method.

Claim 21: Cheok discloses the method as set forth in claim 20 wherein said

step of providing a presentation description further comprises:

transmitting a network address that said set top box employs to access said

presentation description [col. 3, l. 3-6].

Claim 22: Cheok discloses the method as set forth in claim 20 wherein said

step of providing a presentation description further comprises:

transmitting said presentation description to said set top box as a part of said

first digital video signal (540 and 541 are both received from network [Fig 5]).

Claim 23: Cheok discloses the method as set forth in claim 20 wherein said

step of providing a presentation description further comprises:

selecting said presentation description from a plurality of presentation

descriptions wherein said presentation description conforms to the requirements

of said set top box [col. 3, l. 43-67].

Claim 24: Cheok discloses the method as set forth in claim 20 wherein said

step of providing a presentation description further comprises:

altering a general presentation description to conform to the requirements of

said set top box (adapting and preprocessing decoder and integration

instructions for executing by a processor [col. 5, l. 1-10]).

Claim 25: Cheok discloses the method as set forth in claim 20 wherein said

step of providing a presentation description further comprises:

tailoring a general presentation description to correspond to a viewer

preference [col. 3, l. 44-67].

Claim 26: Cheok discloses the method as set forth in claim 20 wherein said

step of providing a presentation description further comprises:

transmitting a plurality of presentation descriptions to said set top box from

which said set top box selects one presentation description that conforms to the

requirements of said set top box (selection based on context [col. 3, l. 44-67]).

Claim 32: Cheok does not disclose the system as set forth in claim 27, said

system further comprising:

viewer preference information from said at least one viewer stored in said

memory that is used by said presentation description.

Hendricks discloses personal profile information from a viewer stored in a set

top box that is used by a presentation description to provide program

recommendations to the user [col. 34, l. 26-34].

It would have been obvious for the system of Cheok to use a personal profile

to compose a scene where one of the scene elements is program

recommendations in accordance with Hendricks' system for the purpose of

providing program recommendations to the user.

Claim 35: Cheok discloses a [system] that produces a combined video signal

for use as video programming, said set top box comprising:

processor means that processes a presentation description (210 [Fig 2]);

memory means that store software executable by said processor means and

that store video images (220 [Fig 2]);

tuner/decoder means (network interface 250 [Fig 2]) that receive a first video

signal and a second video signal (the two signals are part of the same stream

[col. 8, l. 57 – col. 9, l. 2]) and that route control information contained in said first

video signal to said processor means [col. 5, l. 5-9] and that route first video

information from said first video signal and second video information from said

second video signal to decoder means (to a BIFS scene decoder [col. 8, l. 54 –

col. 9, l. 11]);

decoder means that decode said first video information and produce a first

video image in said memory means and that decode said second video

information and produce a second video image in said memory means, said first

video image and said second video image not intended to be displayed

independently (BIFS decoder decodes information for composing [col. 9, l. 1-10]);

presentation description means, said presentation description means

comprising a set of instructions that specify the manner in which a portion of said

first video image is combined with a portion of said second video image to

produce a combined image (scene description information 225 and integration

instructions 222 [col. 4, l. 56 – col. 5, l. 38]), the manner in which the images are

combined being selected from at least one of a plurality of manners of

combinations [col. 3, l. 61-66] [col. 5, l. 56-67], and the instructions also defining

a sequence of operations performed over time (e.g. moving objects [col. 3, l. 61-67]); and

video output means that output said combined image as said combined video signal to a display device as a part of said video programming to said at least one viewer (using display device 406 [Fig 4]).

Cheok further discloses that the video may be output to a television [col. 2, l. 1], but does not specifically disclose that the device is a set top box.

Hendricks discloses a set top box that combines video signal elements into a combined scene according to a presentation description [col 11].

It would have been obvious to have implemented Cheok's scene composition system in a set-top box as disclosed by Hendricks for the purpose of outputting to a television that is connected to a set top box instead of a personal computer, thus increasing the number of potential users of the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENNETT INGVOLDSTAD whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvoldstad/
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623